

MAR 27 2008

FILED

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IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ROBERT J. LARSON

Plaintiff

v.

PEAK6 INVESTMENTS, LP ARTHUR  
JOHN HASS III, NANCY McKINNEY AND  
DANIEL MAX ROSENTHAL

Defendants

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Case No.: 07-CV-7283

Judge Marvin E. Aspen

**PLAINTIFF'S RESPONSE TO  
THE DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

The defendants Arthur John Hass III, Nancy McKinney and Daniel Rosenthal have asked the Court, pursuant to Federal Rule of Civil Procedure to 12(b)(6), to dismiss my complaint against them for failure to state a claim upon which relief can be granted. Of course I disagree and request that the Court continue including them as defendants in this case. In support of my position, the Plaintiff states:

**Background**

On Friday, January 26, 2007, when I was discharged, I was discharged by three people, in a closed-door meeting, Arthur John Hass III and Daniel Max Rosenthal, who as I do not deny, were the Co-Chief Executive Officers of OptionsHouse, Inc. and Nancy McKinney, Director of Human Resources of Peak6 Investments, LP. At the time of my discharge, each of the individual defendants spoke to me about why I was being discharged. I would also like to note that at the time of this discharge, Messrs. Hass and Rosenthal, along with Plaintiff Larson, are registered as Registered General Securities Principals with the Financial Industry Regulatory Authority ("FINRA" for short, and at the time of my discharge was then known as The National Association of Securities Dealers, Inc. ("NASD") the SRO for the

financial services industry.

### Argument

I will not argue with Mr. Posey about his citation of the law, I have total confidence in his ability to cite the proper case law concerning the ADEA, but I would like to make the following arguments as to why I feel that Messrs. Hass and Rosenthal along with Ms. McKinney should be retained as defendants in this case. My reasons are:

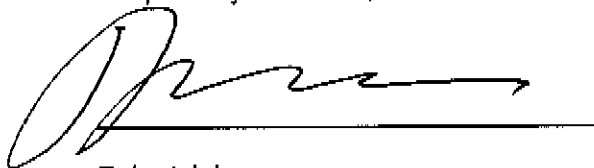
- 1) Peak6 Investments, LP is an "artificial person" according to business law, An artificial person did not terminate me, three human beings did, and those three people are Hass, Rosenthal and McKinney.
- 2) From the very moment that I filed my ADEA complaint with the U.S. Equal Opportunity Commission, and the Illinois Department of Human Rights in February, 2007 until now, not once have Hass, Rosenthal or McKinney denied until now that they were not a party to this complaint.
- 3) Since Messrs. Hass and Rosenthal and Larson, the Plaintiff are Registered General Principals through, Hass and Rosenthal should be required to be held at a higher level of review by both the securities industry regulators but also the courts. I will cite one rule which Hass, Rosenthal and myself are expected to obey. This is FINRA Conduct Rule 2110. Standards of Commercial Honor and Principals of Trade (See FINRA Manual, CCH Publishing). According to FINRA (f/k/a NASD), all registered principals should "...in the conduct the its (their) business, shall observe high standards of commercial honor and just and equitable principles of trade." Each registered person who registered with FINRA signs an agreement that they will obey all conduct rules.
- 4) On January 26, 2007, when I was discharged by Hass, Rosenthal and McKinney, they offered to pay me \$5,000 if I signed a release, which they called, Confidential separation Agreement, General & Comprehensive Release of All Claims, (Please see Exhibit # 30 of my original filing). This document shows that Hass, Rosenthal and McKinney knew about my rights regarding the ADEA and if you look at Section 8, Release you can see that Hass, Rosenthal and McKinney refer to themselves as

Released Parties and thus were trying to avoid just such a legal action as this one. In paragraph b, it specifically states that I would bring no Legal Action under the ADEA and various other federal and state employment laws. Finally, in Section 14, Non-Disparagement wherein I would agree not to disparage any Released Parties.

#### Conclusion

Because of the four reasons that I have listed above, I feel at a minimum, Messrs. Hass and Rosenthal, and Ms. McKinney should be included as Individual Defendants in this Legal Action of mine. I also feel that part of the reason that Hass and Rosenthal want to be released from this Legal Action is that according to FINRA Conduct Rule 2110, they are required to notify FINRA, the SEC and all of the states via the submittal of an Amended Form U-4 Disclosure Reporting Page the Central Registration Depository ("CRD") of my submittals to the US EEOC, State of Illinois Department of Human Rights and this Federal Court action. Once the Amended Form U-4 is filed with the CRD it becomes part of their personal registration file and then allows all securities regulators to review and determine if they want to initiate any regulatory review or action. It also becomes part of their public BrokerCheck Report. I have checked with the CRD and they have made no Amended Form U-4 Disclosure Reporting Page submittals as of this date.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Robert J. Larson', is written over a horizontal line.

Robert J. Larson

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March 27, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on March 27, 2008, I manually filed the foregoing **PLAINTIFF'S RESPONSE TO THE DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S COMPLAINT AGAINST THE INDIVIDUAL DEFENDANTS** with the Clerk of the Court and I sent notification of such filing to the parties listed below by depositing a true and correct copy of the same, postage prepaid, into the U.S. Mail Box located at the Chicago Loop Post Office, 60690, prior to 5:00 PM, on this 27th day of March, 2008.

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s/ Robert J. Larson

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